IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 464 OF 2005

GIRREDDI SURYANARAYANA REDDY .. PETITIONER

Versus

CENTRAL VIGILANCE COMMISSIONER & ORS. RESPONDENTS

Petitioner-in-person

Mr. I.M. Chagla with Kumar Desai i/b Maneksha & Sethna for R-3

Mr. Ashok Bhatija with Kiran Kandpile for R-1,2 & 4

CORAM:-SMT. RANJANA DESAI &

A. S. OKA, JJ.

DATED:- 14/12/2005

P.C.

. The petitioner was holding the post of Deputy General Manager in Securities and Exchange Board of India ("SEBI" for short). It appears that as the petitioner had violated some of the provisions of the Securities and Exchange Board of India (Employees' Service) Regulations, 2001 ("the said Regulations" for short) relating to the code of conduct and discipline, the Competent Authority of SEBI issued a memorandum of charges dated 6/5/04 to

the petitioner. On 6/5/2004 the Competent Authority placed the petitioner under suspension with immediate effect.

2. Respondent 3 vide its order dated 20/6/04 instituted an enquiry under regulation 80 of the said Regulations against the petitioner and appointed Justice S. M. Jhunjhunuwala (Retd.) as the Enquiry Officer to enquire into the charges framed against the petitioner. After completion of the enquiry, the enquiry officer submitted the enquiry report dated 11/3/05 to the Competent Authority of respondent 3.

3. It appears that the Enquiry Officer found that imputations of misconduct and/or misbehaviour levelled against the petitioner as
contained
in the Articles of Charges framed against him except the charge as contained in Article II thereof stand proved.

4. Pursuant to the Enquiry Report the Competent Authority of respondent 3 issued a show cause notice dated 25/4/05 to the petitioner calling upon him to show cause as to why major penalty of

dismissal from services of respondent 3 as specified under Regulation 79(2) of the said Regulations, should not be imposed on him.

5. In this petition the petitioner has inter alia prayed that the suspension order dated 6/5/2004 be quashed and the petitioner be reinstated with all the back wages and that the memorandum of charge sheet dated 6/5/2004 be quashed.

6. We have heard the petitioner who is appearing in person.

7. We find that the petitioner had preferred Writ Petition No. 2632 of 2004, in which some of the allegations which he has raised in this petition were also raised. The said writ petition was dismissed as withdrawn by an order of this court dated 4th October, 2004.

8. We have read the affidavit-in-reply filed by Shri Mange Lal, Deputy Secretary, Government of India, Central Vigilance Commission. Considering the fact that similar writ petition preferred by the petitioner was dismissed as withdrawn, we are unable to entertain this petition. Since show

cause notice is issued to the petitioner, we refrain from commenting on the merits of the case.

9. In our opinion, no case is made out for entertaining the petition at this stage. Petition is dismissed.

10. We may, however, make it clear that the petitioner can raise all the contentions in his reply to the show cause notice dated 25/4/04. If the petitioner has not filed his reply to the show cause notice, we extend the time to file the reply by two weeks.

11. At this stage, the petitioner requests that this order be stayed. The application is rejected.

(SMT. RANJANA DESAI,J.)

(A. S. OKA, J.)